



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

March 9, 2018

BY ECF

The Honorable Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Joel H. Mingo Lamar, 18 Cr. 107 (SDA)

Dear Judge Aaron:

In response to the Court's February 23, 2018 Order (ECF No. 18), the Government respectfully submits the attached affidavit from Postal Inspector Christopher O'Rourke, which outlines an analysis of the defendant's bank accounts and the victim banks' losses. The affidavit addresses losses to Bank of America and J.P. Morgan Chase.¹ The Government respectfully requests that Exhibits A and B to the affidavit be filed under seal, because they contain personally identifiable information.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

by: _____/s
Alison Moe
Assistant United States Attorney
(212) 637-2225

cc: Ian Marcus Amelkin, Esq. (by ECF)

¹ TD Bank declined to respond to the Government's request for additional restitution information.

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 UNITED STATES OF AMERICA :
 :
 - v. - : AFFIDAVIT
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 JOEL H. MINGO LAMAR, :
 :
 :
 Defendant. :
 :
 - - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

CHRISTOPHER O'ROURKE, being duly sworn, deposes and says that he is a Postal Inspector with the United States Postal Inspection Service ("USPIS"), and further states:

1. I am a United States Postal Inspector. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, my conversations with representatives from Bank of America and J.P. Morgan Chase, and on my examination of various reports and records.

2. I have reviewed financial records for two bank accounts that appear to be controlled by JOEL H. MINGO LAMAR, the defendant: a bank account at Bank of America (the "BOA Account") and a bank account at J.P. Morgan Chase (the "Chase Account"). Those records include, among other items, bank statements, deposited checks, and fraud claims asserted against the account. The account records from both the BOA Account and the Chase Account include consumer complaints alleging that their checks were wrongfully deposited in the defendant's accounts and withdrawn in cash. As a result of receiving these complaints, Bank of America and J.P. Morgan Chase were required to reimburse the amount of the third-party checks that were wrongfully deposited in the defendant's accounts. Because the checks had already cleared in the defendant's accounts, and because the defendant had already withdrawn the funds, these reimbursement amounts constituted a loss that Bank of America and J.P. Morgan Chase were unable to recoup.

3. Attached hereto as Exhibit A are records from the BOA Account reflecting the fraud claims against that account, including copies of the third-party checks wrongfully negotiated in the BOA Account. JOEL H. MINGO LAMAR, the defendant, is not listed as a payee on any of the checks. The checks are for the following amounts:

- \$1,121.00
- \$1,985.00
- \$1,531.00
- \$1,148.04
- \$1,140.00
- \$2,185.73
- \$3,355.19
- \$899.31

Based on my review of these records and my conversations with a representative at Bank of America, the total amount repaid by Bank of America for third-party checks wrongfully negotiated through the BOA Account by the defendant totals \$13,365.27.


4. Attached hereto as Exhibit B are records from the Chase Account reflecting the fraud claims against that account, including copies of the third-party checks wrongfully negotiated in the Chase Account. JOEL H. MINGO LAMAR, the defendant, is not listed as a payee on any of the checks. The checks are for the following amounts:

- \$946.45
- \$1,132.76
- \$1,025.00
- \$1,250.00
- \$1,200.00

Based on my review of these records and my conversations with a representative at J.P. Morgan Chase, the total amount repaid by J.P. Morgan Chase for third-party checks wrongfully negotiated

through the Chase Account by the defendant totals \$5,554.21.

Dated: March 8, 2018


CHRISTOPHER O'ROURKE
Postal Inspector
United States Postal Inspection Service

3-9-18